

Application No. 09/857,160
Reply to Office Action of November 17, 2006

REMARKS

Presently, claims 1-4 and 15-23 are pending in this application. A Request for Continued Examination ("RCE") under 37 C.F.R. §1.114 is being filed herewith. Claims 5-14 have been previously canceled. Claims 1, 15, and 16 have been amended. Support for the amendments to claims 1, 15, and 16 may be found, for example, in original claim 1 and pages 2-3 of the specification. New claim 23 has been added. Support for the features of claim 23 may be found, for example, in original claim 1 and pages 2-3 of the specification. Therefore, no new matter has been added to the application by the foregoing amendments.

Claim Rejection – § 102 (a)

The Examiner has rejected claims 1-8, 10-13, and 15-22 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,977,964 to Williams *et al.* ("Williams"). Applicants have previously cancelled claims 5-8 and 10-13. Therefore, the rejection of claims 5-8 and 10-13 is moot. The Examiner contends that Williams teaches all elements of these claims. Applicants respectfully traverse this rejection.

Williams discloses a method and apparatus for automatically configuring a television entertainment system based on a user's monitored system interactions. The system described by Williams monitors user interactions with the system and stores them in a behavior log (column 9, lines 23-27). The system then compares information in the behavior log as well as current system settings with user preference information of known users (column 9, lines 27-31). The system in Williams determines "which user of a plurality of known system users is currently using the system..." (column 5, lines 35-38).

Independent claim 1 recites:

In a data processing system, a method of identifying a subscriber comprising the steps of:

Application No. 09/857,160
Reply to Office Action of November 17, 2006

- (a) monitoring a plurality of viewing sessions;
- (b) clustering the viewing sessions wherein the sessions within a cluster have a common identifier representative of subscriber selection data, wherein the clustering occurs independently of characteristics established prior to the monitoring of step (a); and
- (c) identifying a subscriber as belonging to one of the clusters by comparing a plurality of subscriber selections to the subscriber selection data corresponding to the clusters of viewing sessions.

Williams does not disclose "clustering the viewing sessions wherein the sessions within a cluster have a common identifier representative of subscriber selection data, wherein the clustering occurs independently of characteristics established prior to the monitoring of step (a)..." Instead, Williams discloses monitoring user interactions and recording these interactions in a behavior log. Williams then determines whether the information of the behavior log "matches that of the data for any of the known system users." Clearly, matching the information in the behavior log to known system users does not occur independently of characteristics established prior to the monitoring of viewing sessions. Therefore, Williams only matches a behavior log with the data for known system users and updates user preference information.

Furthermore, updating user preference information is not the same as clustering viewing sessions. The Examiner argues that viewing sessions are clustered in the user profile database. As can be seen in Fig. 8, the user profile database 800, does not contain information related to clustered viewing sessions. The user profile database merely contains a set of preferences related to a particular user profile. This is not a cluster of viewing sessions (nor as represented could the user profile database store a cluster of viewing sessions), but instead table of user preferences.

Further, even if Williams does disclose clustering, Williams can not be said to teach clustering based on "a common identifier representative of subscriber selection data." In Williams user preference information stored in the user profile database is

Application No. 09/857,160
Reply to Office Action of November 17, 2006

updated only after the user is identified. Fig. 2 of Williams clearly shows that step 204, where the "System Controller Determines Which User is Currently Using the System," occurs before step 210, where the "System Controller Monitors and Updates User Profile Information." If the Examiner contends that updating user profile information is "clustering" then the updating of user profile information, in Williams must be based on which user is identified, not based on "a common identifier representative of subscriber selection data," as recited in claim 1.

Additionally, Williams does not disclose "identifying a subscriber as belonging to one of the clusters by comparing a plurality of interactions for the subscriber to the subscriber selection data contained within the clusters of viewing sessions." Williams functions by determining "which user of a plurality of known users is currently using the system" (column 5, lines 35-38). Further, Williams teaches that "In step 304, system controller 104 compares the information contained in the behavior log as well as the current system settings with user preference information for at least a subset of the plurality of entertainment system users" (column 9, lines 28-31). Clearly, Williams compares user inputs with "user preference information" and does not compare "a plurality of subscriber selections to the subscriber selection data corresponding to the clusters of viewing sessions." Further, Williams suggests that there be profiles for "known system users," that are pre-existing; claim 1, however, clusters viewing sessions to use for comparison with subscriber selections. Accordingly, Williams does not disclose all of the features of claim 1.

Independent claim 15 recites, "...grouping the previous viewing sessions into at least one session group according to at least one common characteristic, wherein the grouping occurs independently of characteristics established prior to the obtaining of step (a)..." and "...comparing said plurality of inputs to said at least one session group..." Similarly, independent claim 16 recites, "...grouping viewing sessions from said plurality of viewing sessions according to at least one common identifier in said subscriber selection data to form at least one session group, wherein the grouping of the viewing sessions occurs independently of pre-established subscriber profiles..." and "...creating a probabilistic determination of subscriber profile of said at least one session group based

Application No. 09/857,160
Reply to Office Action of November 17, 2006

on the subscriber selection data.” New independent claim 23 recites a data processor configured to “group the previous viewing sessions into at least one session group according to at least one common characteristic, wherein the processor is enabled to function independently of pre-established subscriber characteristics...” For at least the same reasons discussed above with respect to independent claim 1, Williams does not disclose all of the elements of independent claims 15, 16, and 23. Therefore, claims 15, 16, and 23 are believed to be allowable over Williams.

Dependent claims 2-4 and 17-22 are believed to be allowable at least by their dependence on claims 1 and 16, respectively. Therefore, the Examiner’s rejection of claims 1-8, 10-13, and 15-22 has been overcome. Reconsideration and withdrawal of the Examiner’s §102(a) rejection of claims 1-8, 10-13, and 15-22 are respectfully requested.

Claim Rejection – § 103 (a)

The Examiner has rejected claims 9 and 14 as being unpatentable under 35 U.S.C. § 103(a) over Williams in view of U.S. Patent No. 5,465,308 to Hutcheson et al. (“Hutcheson”). Applicants respectfully traverse this rejection. It is unclear to Applicants as to why the Examiner has issued a rejection for claims that have been previously cancelled. Therefore, the Examiner’s rejection to claims 9 and 14 is moot. Reconsideration and withdrawal of the Examiner’s §103(a) rejection of claims 9 and 14 is respectfully requested.

Application No. 09/857,160
Reply to Office Action of November 17, 2006

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 1-4 and 15-23, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

Date: 2/19/07

By: Andrew W. Spicer

Andrew W. Spicer
Registration No. 57,420
Technology, Patents & Licensing, Inc.
2003 South Easton Road, Suite 208
Doylestown, PA 18901
267-880-1720

Customer No.: 27832